

GARDEN CITY BOXING CLUB, INC.

Plaintiff,

AMENDED VERIFIED ANSWER

-against-

Case No.: 07-cv-4712

AMAZONAS RESTAURANT INC., d/b/a  
AMAZONAS RESTAURANT and  
GEREMIAS L. DONES,  
And WALTER GINN  
And NELLY CAMPOVERDE

Defendants.

Defendants, Amazonas Restaurant Inc. d/b/a Amazonas Restaurant and Walter Ginn , by their Attorneys, Altman & Altman, Esqs., as and/or for their Verified Answer to the Plaintiff's Verified Complaint, sets forth and alleges the following:

1. Denies each and every allegation contained in paragraphs of the Complaint marked, numbered, and designated "15", "16", "17", "18", "20", "23", "27", "30", "31", "32", "33", "34", "35", and "36".

2. Lacks sufficient knowledge and information to form a belief as to each and every allegation contained in paragraphs of the Complaint, marked, numbered and designated "1", "2", "3", "4", "7", "8", "9", "10", "11", "12", "13", "14", "19", "22", "24", "25", "26" and "29".

3. As to paragraph marked and numbered "6", the Defendant admits that as of November 5, 2005, the Defendant, Geremias L. Dones, was no longer the owner of Amazonas Restaurant Inc., d/b/a Amazonas Restaurant.

Defendants hereby incorporates by reference all of the allegations contained in paragraphs 1, 2 and 3 above mentioned, as though set forth herein at length, as to each and every allegation contained in paragraphs of the Complaint, marked, numbered and designated "21" and "28".

**AS AND FOR A 1ST AFFIRMATIVE DEFENSE**

6. That any claim or cause of action against this individual Defendant is improper, as the Defendant had nothing to do with the Defendants nor the subject location, on or about June 5, 2007.

**AS AND FOR A 2nd AFFIRMATIVE DEFENSE**

7. That the Plaintiff has failed to set forth a claim or cause of action against this answering Defendant, upon which any type of relief can be granted, with the individual Defendant protected by the corporate veil of the co-Defendant Corporation, assuming, arguendo, the Defendant was connected with said entity, which it was not, as his contact occurred as of November 5, 2005.

**AS AND FOR A 1<sup>st</sup> CROSS-CLAIM**

3. That these Co-Defendants, "Amazonas" and "Ginn" accepted the subject stock and business in good faith from Geremias L. Dones who breached the implied duty of good faith..

**AS AND FOR A 2<sup>nd</sup> CROSS-CLAIM**

5. If Plaintiff sustained the injuries and damages in the manner and at the time and place alleged, and if it is found that these Defendants are liable and then said answering Defendant(s )are

**AS AND FOR A 3<sup>rd</sup> CROSS-CLAIM**

6. That these answering Defendants herein demand that the liability, if any, be apportioned and, therefore, the Co-Defendants will be liable to the answering Defendants in the event judgment is recovered by Plaintiff in an amount equal to the excess over and above this answering Defendant's equitable share of the judgment. The equitable share of the judgment of the answering Defendant will be determined in accordance with the relative culpability of the aforementioned Co-Defendant(s), Amazonas Restaurant Inc., d/b/a Amazonas Restaurant and Geremias L. Dones, and Walter Ginn and Nelly Campoverde.

**WHEREFORE**, it is respectfully requested that Plaintiff's Complaint be denied and dismissed.

DATED: BRONX, NEW YORK  
Aug 3, 2007

s/s Joseph A. Altman, Esq.  
Joseph A. Altman, Esq. (JAA4290)  
ALTMAN AND ALTMAN, ESQS.  
Attorneys for Defendant  
Amazonas Restaurant Inc. d/b/a  
Amazonas Restaurant and Walter Ginn  
1009 East 163<sup>rd</sup> Street  
Bronx, New York 10459  
(718) DA8-0422

TO: Paul J. Hooten & Assoc.  
Attorneys for Plaintiff  
5505 Nesconset Highway, Suite 203  
Mount Sinai, New York 11766

Barry R. Fertel, Esq.  
Attorney for Defendant – Dones  
270 Hall Avenue, 7<sup>th</sup> Floor  
New Rochelle, New York 10801

Nelly Campoverde  
Pro Se Defendant  
10 Howard Street  
Sleepy Hollow, New York 10591

I, the undersigned, an attorney admitted to practice in the courts of New York State,

SS:

certification certify that the within  
 by Attorney has been compared by me with the original and found to be a true and complete copy.  
 Attorney's state that I am  
 affirmation the attorney(s) of record for  
action; I have read the foregoing  
to my knowledge, except as to the matters therein  
alleged to be on information and belief; and as to those matters I believe it to be true.  
The reason this verification is made by me and not by

in the within  
and know the contents thereof; the same is true

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

I affirm that the foregoing statements are true, under the penalties of perjury.

The name signed must be printed beneath

DATED:

STATE OF NEW YORK, COUNTY OF BRONX

SS:

I, the undersigned, being duly sworn, depose and say: I AM THE Defendant  
 individual in the action; I have read the foregoing AMENDED ANSWER

verification and know the contents thereof; the same is true to my own  
knowledge, except as to the matters therein stated to be alleged on information and belief,  
and as to those matters I believe it to be true.

corporation the President of Amazonas Restaurant Inc.  
 verification a domestic corporation and a party in the within action; I have  
read the foregoing ANSWER and know the contents thereof; the same is true to my knowledge, except as to the matters therein  
stated to be alleged upon information and belief; and as to those matters I believe it to be true. This verification is made by me because  
the above party is a corporation and I am an officer thereof.

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

Sworn to before me on the 20 day of August, 2007

*Joseph A. Altman  
Attorney Public NY*

STATE OF NEW YORK, COUNTY OF Bronx SS:

*Walter Ginn*The name signed must be printed beneath  
WALTER GINN

( if more than one box is checked - indicate after names type of service used)

*No. 4805118  
Qualified in West 177, Bronx, Esq. 7/31/00*The undersigned Attorney and Counsellor-at-law, duly admitted to practice law in the Courts of the State of New York, affirms,  
under the penalty of perjury that:On August, 2007  
 service by mail

I served the within AMENDED ANSWER

by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and  
custody of the U.S. Postal Service within the New York State addressed to Personal service on an individualby delivering a true copy of each personally to each person named below at the address indicated. I know  
each person served to be the person mentioned and described in said papers as a party therein. Service by electronic meansby transmitting a copy to the following persons by  FAX at the telephone number set forth after each name below  
 E-Mail address set forth after each name below, which was designated by the attorney for such purpose,  
and by by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody  
of the U.S. Postal Service within the New York State to the address set forth after each name. Overnight Delivery Serviceby dispatching a copy by overnight delivery to each of the following persons at the last known address set forth after  
each name below.

Paul J. Hooten & Assoc.  
Attorneys for Plaintiff  
5505 Nesconset Highway,  
Suite 203  
Mount Sinai, New York  
11766

Barry R. Fertel, Esq.  
Attorney for Defendant – Dones  
270 Hall Avenue, 7<sup>th</sup> Floor  
New Rochelle, New York 10801

Nelly Campoverde  
Pro Se Defendant  
10 Howard Street  
Sleepy Hollow, New York  
10591

*JAA*

s/s Joseph A. Altman, Esq.

the name signed must be printed beneath

Joseph A. Altman, Esq. (JAA4290)

Affirm on the

22<sup>nd</sup> day of August

2007

*4 Sept*

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

GARDEN CITY BOXING CLUB, INC.

Plaintiff,

-against-

Case No.: 07-cv-4712

AMAZONAS RESTAURANT INC., d/b/a  
 AMAZONAS RESTAURANT and  
 GEREMIAS L. DONES  
 And WALTER GINN  
 And NELLY CAMPOVERDE

Defendants.

AMENDED VERIFIED ANSWER

ALTMAN AND ALTMAN, ESQS.

Attorney(s) for

Defendant – Walter Ginn  
 1009 East 163rd Street  
 Bronx, N.Y. 10459  
 (718) DA8-0422

Service of a copy of the within  
 is hereby admitted.

TO:

Dated:

Attorney(s) for

## PLEASE TAKE NOTICE:

 NOTICE OF ENTRY

that the within is a (certified) true copy of a  
 duly entered in the office of the clerk of the  
 within named court on

Dated:

Yours, etc.

Attorney for

Altman and Altman, Esqs.  
 1009 East 163rd Street  
 Bronx, N.Y. 10459

 NOTICE OF SETTLEMENT

that an order \_\_\_\_\_ of which the within  
 is a true copy \_\_\_\_\_ will be presented to the  
 Hon. \_\_\_\_\_ one of the judges of the  
 within named Court, at  
 on \_\_\_\_\_ at M.

Dated:

Yours, etc.

Attorney for

Altman and Altman, Esqs.  
 1009 East 163rd Street  
 Bronx, N.Y. 10459

## ATTORNEY'S CERTIFICATION

JOSEPH A. ALTMAN, ESQ. , an attorney duly admitted to the Courts of the state of New York, hereby certifies  
 that the annexed RULE 7.1 is to the best of my knowledge and upon information and belief, formed after an  
 inquiry reasonable under the circumstances, that the presentation of said papers or contentions therein are not  
 frivolous as defined in subsection (c) of section 130-1.1 of 22 NYCRR.